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10 Attorneys for Plaintiff  
11 United States of America

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13 IN THE UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,  
16 Plaintiff,  
17 v.  
18 SHERRY RENEE KINCADE,  
19 Defendant.

CASE NO. 1:22-CR-00001-DAD-BAM  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
DATE: March 22, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

20  
21 STIPULATION

22 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
23 through defendant's counsel of record, hereby stipulate as follows:

- 24 1. By previous order, this matter was set for status conference on March 22, 2023.  
25 2. By this stipulation, defendant now moves to continue the status conference until May 24,  
26 2023, and to exclude time between March 22, 2023, and May 24, 2023, under 18 U.S.C. § 3161(h)(1)(E)  
27 and (7)(A), B(iv) [Local Code T4].  
28 3. The parties agree and stipulate, and request that the Court find the following:  
a) This matter concerns an out-of-district indictment from the Eastern District of  
Virginia. The parties agreed to and have completed a Rule 20 transfer of this matter from the  
Eastern District of Virginia to the Eastern District of California. Doc. 17.  
b) The parties are in ongoing plea negotiations and anticipate that this matter will be

1 resolved via a plea agreement. If it does not resolve via plea, the case will be transferred back to  
2 the original charging district pursuant to Fed. R. Crim. P. 20(c).

3 c) Counsel for the defendant desires additional time to consult with her client,  
4 review the current charges, and to discuss a potential plea agreement in this matter.

5 d) Counsel for defendant believes that failure to grant the above-requested  
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
7 into account the exercise of due diligence.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of March 22, 2023 to May 24, 2023,  
14 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(E) and (7)(A), B(iv) [Local  
15 Code T4] because it results from a continuance granted by the Court at defendant's request on  
16 the basis of the Court's finding that the ends of justice served by taking such action outweigh the  
17 best interest of the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
20 must commence.

21 IT IS SO STIPULATED.

22  
23 Dated: March 13, 2023

PHILLIP A. TALBERT  
United States Attorney

24  
25 /s/ JESSICA A. MASSEY  
26 JESSICA A. MASSEY  
27 Assistant United States Attorney  
28

1 Dated: March 13, 2023

/s/ MEGHAN MCLOUGHLIN  
MEGHAN MCLOUGHLIN  
Counsel for Defendant  
SHERRY RENEE KINCADE

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4  
5 **ORDER**  
6 IT IS SO ORDERED that the status conference is continued from March 22, 2023, to **May 24,**  
7 **2023 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18  
8 U.S.C. § 3161(h)(7)(A), B(iv). **This case has been pending for nearly two years. At the next status**  
9 **conference, the parties shall appear and explain why this matter should not be referred back to the**  
10 **charging district, the Eastern District of Virginia. Alternatively, the parties may stipulate to a date**  
11 **for a change of plea, with an appropriate exclusion of time.**

12 IT IS SO ORDERED.  
13

14 Dated: March 14, 2023

*/s/ Barbara A. McAuliffe*

15 UNITED STATES MAGISTRATE JUDGE